

09/786364

Docket No.: 48897-021

PATENT

JC12 Rec'd PCT/PTO 15 MAR 2001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

TALPX, INC.

Serial No.: PCT/US99/21008

Filed: September 15, 1999

Authorized Officer: E. Todd Voeltz

For: TECHNIQUES FOR TRADING COMMODITIES ON A PRIVATE TRADING
SYSTEM

COMMENTS ON ABSTRACT AND TITLE OF INVENTION

Commissioner of Patents and Trademarks
Box PCT
Washington, DC 20231

Sir:

Within the one month following the 17 February 2000 International Search Report, Applicant hereby provides comments on the Abstract and title of the invention.

The PCT Office provided a new Abstract to include reference numerals between parentheses. The new Abstract contained a typographical error by the PCT Office. A substitute sheet for the Abstract is attached hereto.

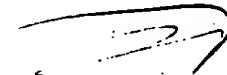
The new title provided by the PCT Office contains errors and is not acceptable to the Applicant. An acceptable title would be: "TECHNIQUES FOR TRADING COMMODITIES ON A PRIVATE TRADING SYSTEM".

The change made by the PCT Office adding "AND NOT REGULATED BY THE GOVERNMENT" is misdescriptive of the scope of Applicant's invention.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

MCDERMOTT, WILL & EMERY



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March 15, 2001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
U.S. PCT RECEIVING OFFICE

In re Application of TALPX, INC.
Inventors: David T. ADAMS, et al.
Serial No. PCT/US99/21008 Filed September 15, 1999
For: TECHNIQUES FOR COMPUTER ASSISTED TRADING IN A CASH MARKET FOR
COMMODITIES
Attorney Docket No. 48897-021

Authorized Officer: Vincent A. Millin

Sir:

RESPONSE TO WRITTEN OPINION

This is in response to the Examiner's Written Opinion dated 7 February 2001. No amendments accompany this response.

In the Written Opinion, the Examiner held that claims 1-68 lacked novelty and inventive step. The claims were asserted to lack novelty under PCT Article 33(2) as anticipated by Lambert [sic. Lambert] "New System Speeds Lumber Trading", from the National Home Center News of 25 May 1998, page 14. Applicants respectfully request reconsideration of the Examiner's holdings.

With respect to independent claim 1, the Lambert article fails to teach or suggest the step of "constructing the standardized sales contract." There is no mention of a standardized contract at all, let alone how such a standardized sales contract might be implemented. In addition, there is no indication in the article that the system discussed in the article would constitute a "non-trading" central authority.

Further, the Lambert system is not enabled since there is no disclosure of any components for carrying out the ideas expressed within the article.

The Lambert article does not address limitations contained in the dependent claims. For example, claim 2 requires "determining that an entity has sufficient resources to complete a minimum trade." There is no teaching or suggestion of such limitation in the Lambert article. Claim 3, as a further example, requires "determining that the at least two contrasting traders are likely to have sufficient resources to perform according to the sales contract." There is no teaching or suggestion in the Lambert article of this limitation either. Thus, dependent claims 2-25 are not addressed by the Lambert article.

With respect to independent claims 26 and 43, there is no teaching or suggestion in the Lambert article of "constructing a standardized sales contract" as required by the claim.

With respect to claims 27-42 and 44-47, dependent upon claims 26 and 43 respectively, directly or indirectly, the Lambert article does not address the details of these dependent claims at all. Accordingly, claims 26-47 distinguish over the Lambert article.

Claims 48-62 are directed to a computer-readable medium having instructions for performing steps addressed in previous claims. These claims distinguish over the article to Lambert for the reasons given with respect to those previous claims.

Independent claim 63 is directed to a client computer having a memory "for storing contract information about a sales contract..., the contract information received in a standard format from a server computer which constructed the sales contract." Claim 63 also requires one or more processors "configured for executing an accounting process that uses the contract information in the standard format." There is no teaching or suggestion in the Lambert article that corresponds to these quoted limitations.

Independent claim 64 is directed to a computer-readable medium having instructions for causing one or more processors to "store contact information about a sales contract... received in a standard format from a server computer which constructed the sales contract." There is no teaching or suggestion in the Lambert article corresponding to the quoted limitations.

Independent claim 65 is directed to a computer readable medium bearing information for use by one or more processors in which the information comprises "a plurality of shipping records, each record associating one destination of a plurality of destinations to which the seller will ship with one or more shipping rates charged by the seller." There is no teaching or suggestion in the Lambert article of this limitation. Further, there is no teaching or suggestion in the Lambert article for any of the limitations recited in dependent claims 66-68.

Accordingly, the Examiner is requested to reconsider the holdings of the Written Opinion and to issue a favorable Preliminary Examination Report.

Respectfully submitted,

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